

DISPOSITION: August 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8159. Adulteration and misbranding of candy. U. S. v. 39 Boxes and 78 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 16337. Sample Nos. 632-H, 633-H.)

LIBEL FILED: June 6, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 11, 1945, by F. H. Seelye, from Charlotte, N. C.

PRODUCT: 39 boxes, each containing 30 bars, and 78 boxes, each containing 120 pieces, of candy at Atlanta, Ga.

LABEL, IN PART: "United Candies Chocolate Bar [or "Chocolate Square"] * * * United Candy Co., Charlotte, N. C."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, chocolate, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a) the names "Chocolate Bar" and "Chocolate Square" were false and misleading since the article contained no chocolate; and, Section 403 (k), it contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: July 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8160. Adulteration and misbranding of candy. U. S. v. 37 Cases and 20 Cases of Candy. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15927. Sample Nos. 27443-H, 27444-H.)

LIBEL FILED: April 24, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about March 7 and 12, 1945, by the California Fruit Chimes Co., from San Gabriel, Calif.

PRODUCT: 37 cases, each containing 48 5-ounce packages, and 20 cases, each containing 24 1-pound packages, of candy at Medford, Oreg. Examination showed that the packages contained irregular pieces of candy, leaving an excessive amount of unfilled space in the packages.

LABEL, IN PART: "Spanish Nut Toffee * * * Made with Sugar, Puffed Rice, Peanuts."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture containing peanuts and puffed rice had been substituted for Spanish nut toffee, which the article was represented to be.

Misbranding, Section 403 (d), the container was so filled as to be misleading since there was an excessive amount of unfilled space in the package, and thus the package appeared to hold more candy than was actually present.

DISPOSITION: June 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

8161. Misbranding of candy. U. S. v. 76 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16477. Sample No. 27400-H.)

LIBEL FILED: June 18, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about May 1, 1945, via automobile of Western Candy Co., Portland, Oreg.

PRODUCT: 76 boxes, each containing 60 cartons, of candy at Vancouver, Wash.

LABEL, IN PART: "Black Beauties English Style Licorice Candy."

VIOLATION CHARGED: Misbranding Section 403 (d), the container of the product was so filled as to be misleading since at least three additional pieces of candy could have been placed therein.

DISPOSITION: July 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

8162. Misbranding of candy. U. S. v. 249 Cases of Candy. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16631. Sample No. 7085-H.)

LIBEL FILED: June 20, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 17, 1945, by Nat Newman, Inc., from Atlantic City, N. J.

PRODUCT: 249 cases, each containing 24 boxes, of candy at Brooklyn, N. Y. Examination showed that the product consisted of taffies of a variety of flavors and colors; that it was short-weight; and that the candy occupied only about 80 percent of the volume of its container.

LABEL, IN PART: "Newman's 'Chocolate Fantasies' 12 Ozs. Net Wt."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement "Chocolate Fantasies" was false and misleading as applied to taffies of a variety of flavors and colors and which were not chocolates or chocolate-covered confections; Section 403 (d), the container was so filled as to be misleading since the package appeared to hold more candy than was actually present; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 6, 1945. Nat Newman, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled and otherwise brought into compliance with the law, under the supervision of the Food and Drug Administration.

S163. Misbranding of candy. U. S. v. 68 Boxes of Candy. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16085. Sample Nos. 3447-H, 3448-H.)

LIBEL FILED: May 1, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about March 28, 1945, by the Amourette Chocolate Co., from New York, N. Y.

PRODUCT: 68 boxes, each containing 18 bars, of candy at Baltimore, Md. Examination showed that the product was short of the declared weight.

LABEL, IN PART: "Amourette Mocha Chocolate Approx. 3½ Ozs," or "Amourette Bitter-Sweet Chocolate Appr. 3½ Ozs."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: June 12, 1945. Paul Simon, trading as the Amourette Lebkuchen & Chocolate Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

S164. Misbranding of pecan brittle. U. S. v. 26 Boxes of Pecan Brittle. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16251. Sample No. 10511-H.)

LIBEL FILED: May 26, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 5 and 23, 1945, by Stuckey's, from Eastman, Ga.

PRODUCT: 26 8-ounce boxes of pecan brittle at Pittsburgh, Pa.

LABEL, IN PART: "Stuckey's Eastman, Ga. Delicious Pecan Brittle."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since only half of the space in the box was filled with candy.

DISPOSITION: June 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

S165. Misbranding of candy. U. S. v. 99 Cases of Candy. Default decree of condemnation. Product ordered delivered to a hospital. (F. D. C. No. 16757. Sample No. 28554-H.)

LIBEL FILED: June 27, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about May 3, 1945, by the Metropolitan Pool Car Association, from New York, N. Y.

PRODUCT: 99 cases, each containing 24 jars, of candy at Tacoma, Wash. Examination showed that the product was short-weight.

LABEL, IN PART: "Delta Hard Candy * * * Cosmo Packing Co., New York, N. Y. Net Weight 8½ Oz."